

**NOTICE OF APPEAL  
FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

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**Patent Application**

Inventor      Gerard J. Foschini  
                  Constantinos B. Papadias

Case      Foschini 12-6

Serial No. 09/752637      Group Art Unit 2631

Filing Date December 29, 2000

Examiner Tesfaldet Bocure

Title      Open-Loop Diversity Technique For Systems Employing  
Four Transmitter Antennas

**THE COMMISSIONER FOR PATENTS**

P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

SIR:

Applicant hereby appeals to the **Board of Patent Appeals and Interferences** from the decision dated June 28, 2005 of the Primary Examiner finally rejecting claims 1, 3, 4, 6, 7, 9, 10, 14-19, 21, 22 and 25-41. Claims 2, 8, 11, 12, 23 and 24 are objected to.

Please charge the amount of \$500.00, covering the Appeal Fee (37 CFR 1.17(b)), to Lucent Technologies Inc. Deposit Account No. 12-2325. Duplicate copies of this letter are enclosed.

In the event of any non-payment or improper payment of a required fee, the Commissioner is authorized to charge Deposit Account No. 12-2325 as required to correct the error.

Please address all correspondence to Docket Administrator (Rm. 3J-219), Lucent Technologies Inc., 101 Crawfords Corner Road, Holmdel, New Jersey 07733-3030.

Respectfully,

By Eugene J. Rosenthal  
Eugene J. Rosenthal, Attorney  
Reg. No. 36,658

Lucent Technologies Inc.  
Date: 11/28/05

I hereby certify that this correspondence (and any paper referred to as being transmitted therewith) is being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

SHARON LOBOSCO

Name of Person Signing Certification

Sharon Lobosco

Signature

11/28/05

Date